

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CHRISTOPHER SADOWSKI,	§	NO. 1:23-CV-527-DAE
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
GLM OMNIMEDIA GROUP LLC	§	
doing business as	§	
Black Christian News Network One,	§	
	§	
Defendant.	§	
_____	§	

ORDER ADOPTING REPORT AND RECOMMENDATION, AND GRANTING
MOTION FOR DEFAULT JUDGMENT

Before the Court is a Report and Recommendation filed by U.S. Magistrate Judge Dustin Howell. (Dkt. # 11.) On September 26, 2023, the Court referred Plaintiff Christopher Sadowski's Motion for Default Judgment to Magistrate Judge Howell. Magistrate Judge Howell filed his Report and Recommendation on November 2, 2023. Objections to the Report and Recommendation were due within 14 days after being served with a copy. Neither party filed any objections to the Report and Recommendation.

BACKGROUND

The Court will recite the facts as stated by the Magistrate Judge. Plaintiff Christopher Sadowski, a photographer, initiated this lawsuit against

Defendant GLM Omnimedia Group LLC (“GLM”), a Christian-focused online multimedia platform, based on GLM’s unlicensed publication of three of Sadowski’s photographs. (Dkt. # 10 at 3–7.) Sadowski, who has been widely published in multiple newspapers and magazines, created three photographs, “021518policecar12CS” (“First Photograph”), “051420ambulance9CS” (“Second Photograph”), and “053020vandalism1CS” (“Third Photograph”). (Id. at 2–7.) Sadowski registered the First Photograph with the U.S. Copyright Office on March 31, 2018, and the Second and Third Photographs on July 2, 2020. (Id. at 7.)

In June 2022, after Sadowski’s copyright registration of the First Photograph, GLM published the First Photograph on its website to illustrate an article titled “Bronx Man Arrested After Allegedly Attacking His Father with Pencil on Father’s Day.” (Dkt. # 10 at 8.) On May 24, 2020, after Sadowski’s copyright registration of the Second Photograph, GLM published the Second Photograph on its website to illustrate an article titled “Scientists walk back prediction that US could be coronavirus-free by fall.” (Id. at 8–9.) On June 1, 2020, after Sadowski’s copyright registration of the Third Photograph, GLM published the Third Photograph on its website to illustrate an article titled “St. Patrick’s Cathedral desecrated with protest graffiti.” (Id. at 9–10.) Sadowski states that GLM was not licensed to use or display the three photographs, nor did it receive permission from Sadowski to use the photographs. (Id. at 10.) Sadowski

also alleges that GLM removed credits to Sadowski as the author/creator of the three photographs, an attribution known in the industry as a “gutter credit.” (Id. at 3–6.)

Sadowski discovered that GLM used the three photographs on July 15, 2022, May 27, 2020, and June 6, 2020, respectively. (Dkt. # 10 at 11.) Following these discoveries, Sadowski sent an infringement notice to GLM to notify it of the impermissible use of the photographs and sent GLM at least four subsequent emails, which Sadowski alleges were ignored. (Id. at 11.)

Following his attempts to notify GLM of its unauthorized use of the photos and negotiate a licensing agreement, Sadowski sued GLM in this Court on May 11, 2023, for copyright infringement under 17 U.S.C. § 501 for reproducing, distributing, and publicly displaying the two photographs for its own commercial purposes. (Dkt. # 1 at 11–13.) After properly serving GLM, GLM failed to answer or otherwise respond within the time required by the Federal Rules of Civil Procedure, and has not appeared before this Court. On Sadowski’s request, the Clerk issued entry of default against GLM on July 24, 2023. (Dkts. ## 7, 8.) Sadowski now moves the Court for entry of final default judgment against GLM. (Dkt. # 10.) On November 2, 2023, Magistrate Judge Howell entered a Report and Recommendation on the motion for default judgment, recommending that the Court grant Sadowski’s motion. (Dkt. # 11.) No objections were filed.

ANALYSIS

Where, as here, neither party objects to the Magistrate Judge's findings, the Court reviews the Report and Recommendation for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

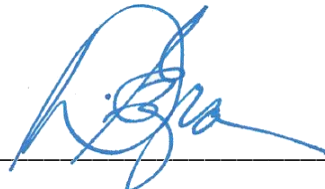
After careful consideration, the Court adopts the Magistrate Judge's Report and Recommendation. The Court finds that the Magistrate Judge's conclusion is correct that GLM has not entered an appearance in this case or otherwise responded, and that "the grounds for default are established: GLM was properly served and has failed to appear and participate at all, much less timely file a responsive pleading." (Dkt. # 11 at 4–5.) Additionally, the Magistrate Judge's conclusion that Plaintiff has demonstrated the elements of his claim and his "factual allegations and the record before the [Court] are enough to raise Sadowski's right to relief above a speculative level as to all of his claims against GLM," along with the Magistrate Judge's calculation of damages are neither clearly erroneous nor contrary to law. Furthermore, the Court finds that the Magistrate Judge's finding is correct that Sadowski has demonstrated that he is entitled to injunctive relief, and that he be granted a permanent injunction against GLM.

CONCLUSION

Accordingly, for the reasons given, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Dkt. # 11) as the opinion of the Court, and **GRANTS** Plaintiff's Motion for Default Judgment (Dkt. # 10). It is **ORDERED** that Plaintiff is awarded statutory damages in the amount of \$27,000.00, costs and attorneys' fees in the amount of \$3,617.50, and court costs. It is **FURTHER ORDERED** that GLM is permanently enjoined from using, reproducing, or displaying Sadowski's photographs without the proper license or permission from Sadowski. The Clerk's Office is **INSTRUCTED** to **ENTER JUDGMENT** and **CLOSE THE CASE**.

IT IS SO ORDERED.

DATED: Austin, Texas, November 21, 2023.



David Alan Ezra
Senior United States District Judge